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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,390	09/19/2003	Paul T. Artman	016295.1437	7502
7590	06/02/2004		EXAMINER	
Roger Fulghum Baker Botts L.L.P. One Shell Plaza 910 Louisiana Street Houston, TX 77002-4995			FLANIGAN, ALLEN J	
			ART UNIT	PAPER NUMBER
			3753	
DATE MAILED: 06/02/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/666,390	ARTMAN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Allen J. Flanigan	3753

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

Claims 6-17 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: No relationship is specified between the claimed “processor” and “memory” and the “active heat sink”. Is the sink used to cool either or both of the recited components?

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3, 5-8, and 10-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Dodson.

Either of fans 110L, 110R reads on the “fan positioned between the first and second set of fins” (70F, 70R of Dodson). Regarding claim 5, note that shrouds 124 of Dodson clearly do not extend about that portion of the fan

adjacent the fins, such that no fan guard is positioned between the fan blades and the fins (Figs. 2, 4). Regarding the claimed metal construction, see lines 38-41 of column 3 of Dodson.

Regarding claims 5 and 11 and their dependents, it is believed that the disclosure that the heat sink of Dodson is intended to be used with, and shown attached to, a computer processor inherently brings the recited “memory” within the disclosure of Dodson, because a memory of some type is a universal component of computers.

Claims 1, 2, 4, 5-7, 9-13, 15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Lofland et al.

Lofland et al. show two sets of fins associated with pairs of heat pipe extensions 30, between which is disposed a fan lacking a guard device. Note that they extend from base 20, to which heat pipes are attached.

As above regarding Dodson, it is believed that the recitation in Lofland et al. of a “processor” is sufficient to inherently include a memory of some kind in the disclosure, since this is a universal component in computers employing processors of the type cooled using the disclosed heat sink.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 and 10-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodson.

Claims 5-7, 9-13, 15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lofland et al.

Assuming arguendo that neither Dodson nor Lofland et al. can be considered to inherently disclose the use of a memory in combination with the processor being cooled by their heat sinks, it would have been obvious to one of ordinary skill in the art at the time the instant invention was made to use memory in a device employing such processors since, as noted above, memory is an ubiquitous if not universal component in computers and a wide array of electronic components.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining references show various finned heat sink/fan combinations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen J. Flanigan whose telephone number is (703) 308-1015. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Scherbel can be reached on (703) 308-1272. The

fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Allen J. Flanigan  
Primary Examiner  
Art Unit 3753

AJF